

REMARKS

The rejections presented in the Office Action dated December 20, 2006 (hereinafter Office Action) have been considered. Claims 1-32 remain pending in the application. Applicant acknowledges the allowable subject matter of claims 3-5, 17, 18, 28, and 29. None of the claims have been amended, and no claim has been canceled or added. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1, 2, 6, 7, 9-12, 14-16, 19-22, 24-27 and 30-32 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Publication No. 2001/0006006 by Hill (hereinafter "*Hill*").

Each of Applicant's independent claims 1, 14, and 26 recites, in some form, determining a location of a touch using dispersion corrected signals, reconstructing impulses representative of impulses generated by the touch to a touch sensitive device, and confirming the location of the touch using the reconstructed impulses, among other features.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain a rejection based on 35 U.S.C. §102.

In rejecting the independent claims as being anticipated by *Hill*, the Examiner contends that *Hill* teaches each and every element of claims 1, 14, and 26, including reconstructing impulses representative of impulses generated by the touch to the touch sensitive device (with reference to Fig. 9, items e-f, paragraphs 0111-112) and confirming the location of the touch using the reconstructed impulses (with reference to Fig. 9, item g, paragraph 0113).

Applicant's specification provides several examples of impulse reconstruction, including the following at page 19, lines 29-32: "The term 'impulse reconstruction' as used herein refers to a process of generating the shape and/or other defining characteristics of the original impulse generated by contact to a touch sensitive substrate."

Applicant respectfully submits that *Hill* does not teach impulse reconstruction nor use of reconstructed impulses for touch location confirmation. The portions of *Hill* relied on by the Examiner (i.e., items e-f of Fig. 9 and paragraphs 0111-0113) disclose performing echo location on relevant reflections originating from the contact point to identify their origins.

One skilled in the art at the time of Applicant's filing would understand that "reflections" are naturally occurring signals, and that reflection signals are clearly not reconstructed impulses representative of impulses generated by a touch to the touch sensitive device. *Hill* does not teach that its reflections are anything other than naturally occurring reflections, nor does *Hill*'s echo location process involve generating the shape and/or other defining characteristics of the original impulse resulting from contact to a touch sensitive substrate, as is contemplated in Applicant's independent claims 1, 14, and 26.

For at least these reasons, claims 1, 14, and 26 are not anticipated by *Hill*.

Dependent claims 2, 6, 7, 9-12, 15, 16, 19-22, 24, 25, 27, and 30-32, which are dependent from independent claims 1, 14, and 26, respectively, were also rejected under 35 U.S.C. §102(b) as being unpatentable over *Hill*. While Applicant does not acquiesce to the particular rejections to these dependent claims, it is believed that these rejections are now moot in view of the remarks made in connection with independent claims 1, 14, and 26. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited reference. Therefore, dependent claims 2, 6, 7, 9-12, 15, 16, 19-22, 24, 25, 27, and 30-32 are also not anticipated by *Hill*.

For at least these reasons, Applicant respectfully submits that the rejection of claims 2, 6, 7, 9-12, 15, 16, 19-22, 24, 25, 27, and 30-32 as being anticipated by *Hill* is not sustainable.

Claims 8 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Hill* as applied to claim 7, and further in view of U.S. Patent No. 7,061,475 to Kent (hereinafter "*Kent*"). Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Hill*.

Three criteria must be met to establish a prima facie case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must

be a reasonable expectation of success. Finally, the prior art reference, or combination of references, must teach or suggest all the claim limitations. MPEP § 2142.

Claims 8, 13, and 23 directly or indirectly depend from independent claims 1 and 14, respectively. Independent claims 1 and 14 are not obvious for at least the reason that the cited references fail to teach or suggest each and every limitation recited in each claim. Furthermore, while Applicant does not acquiesce to the particular rejections of dependent claims 8, 13, and 23, it is believed that these rejections are now moot in view of the remarks made in connection with independent claims 1 and 14. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from the cited reference. Moreover, if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent claims 8, 13, and 23 are not rendered obvious by *Hill* or the combination of *Hill* and *Kent*.

As such, Applicant respectfully requests withdrawal of the §103(a) rejection of claims 8, 13, and 23, and notification that these claims are in condition for allowance.

It is to be understood that Applicant does not acquiesce to the Examiner's characterization of the asserted art or Applicant's claimed subject matter, nor of the Examiner's application of the asserted art or combinations thereof to Applicant's claimed subject matter. Moreover, Applicant does not acquiesce to any explicit or implicit statements or conclusions by the Examiner concerning what would have been obvious to one of ordinary skill in the art or obvious design choices. Applicant respectfully submits that a detailed discussion of each of the Examiner's rejections beyond that provided above is not necessary, in view of the clear absence of teaching and suggestion of various features recited in Applicant's pending claims. Applicant, however, reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Fees

- ☒ Please charge any additional fees associated with the prosecution of this application to Deposit Account No. 13-3723. This authorization includes the fee for any necessary extension of time under 37 CFR § 1.136(a). To the extent any such extension should become necessary, it is hereby requested.
- ☒ Please credit any overpayment to the same deposit account.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

Respectfully submitted,

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Date

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